



ENTERED
03/07/2018

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION

IN RE: ELLIE RAMOS PALMA,
DEBTOR

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CASE NO. 15-60013
(Chapter 7)

ORDER APPROVING SETTLEMENT AGREEMENT
(Relates to Doc. # 116)

Before the Court for consideration is the Trustee's Agreed Motion (the "Motion") for Approval of Settlement Agreement with Ellie Ramos Palma, Alex Palma and other defendants and parties, as set forth in the Motion. The Court having considered the Motion, the evidence, and the Settlement agreed to by the parties in the Motion (the "Settlement"), finds that the Settlement has been entered into in good faith, is in the best interest of the Estate and its creditors and that it represents the settlement of disputed claims. The Court finds that the Motion is meritorious and IT IS HEREBY GRANTED. Accordingly:

1. The Court finds it has jurisdiction over this matter as the Trustee seeks approval of this settlement pursuant to Rule 9019 FRBP and because the subject of the disputes being settled are disputed claims involving "property of the estate" and the settlement will have a conceivable effect upon this estate.

2. Upon consideration and evaluation of (i) the probability of success regarding the disputes; (ii) the uncertainty in the factual questions and the legal issues raised in the litigation; and (iii) the complexity and duration of the litigation and the costs and expenses associated therewith, the inconvenience and delay; the Court concludes that the Settlement is fair, reasonable and equitable and in the best interests of the estate and its creditors and should be approved. The Settlement meets all of the criteria set forth in *Protective Comm. for Indep.*

Stockholders of TMT Trailer Ferry, Inc. v. Anderson, 390 U.S. 414 (1968).

3. IT IS FURTHER ORDERED the Trustee, and the other defendants and parties shall take such other action as may be necessary to carry out the intents and purposes of the approved Settlement (which are fully set forth in Trustee's Agreed Emergency 9019 Motion for Approval of Settlement; the releases provided therein become effective when this Order is signed). Further, the Settlement and each of its terms and conditions shall, upon entry of this Order, become binding and enforceable.

4. IT IS FURTHER ORDERED the claims of Creditors, Naphtha, Selman Munson & Lerner, PC ("Selman"), and Thompson Tree & Landscaping, Inc. ("Thompson") in the amounts of \$635,199.23, \$193,052.51 and \$7,034.80 respectively are allowed. Trustee is ordered and authorized to make the pro rata distributions to these creditors as provided in the Motion.

5. IT IS FURTHER ORDERED the Trustee is ordered and authorized to pay The Law Offices of Michael B. Schmidt and Anderson, Smith, Null & Stofer, LLP, the sum of \$60,000.00 (\$30,000.00 each) in payment of their attorney fees and expenses, without the necessity of filing a fee application with this Court. The Court finds that both have performed their duties as required and are discharged as attorneys for the Trustee.

6. IT IS FURTHER ORDERED the Order for Turnover (doc# 51) in the Main Case against Ellie Palma, Alex Palma and First Solid is cancelled and the Trustee shall retain all funds received based on this Order for Turnover Order prior to entry of this Order approving the Settlement.

Signed: March 05, 2018.



DAVID R. JONES
UNITED STATES BANKRUPTCY JUDGE